

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

THE SANCTUARY COMMUNITY	)	
ASSOCIATION, INC.,	)	
	)	
Complainant,	)	
	)	Case No. 14-0111-WS-CSS
v.	)	
	)	
AQUA OHIO, INC.	)	
	)	
Respondent.	)	

**ANSWER**

In accordance with Ohio Adm. Code 4901-9-01(D), the Respondent, Aqua Ohio, Inc. (Aqua or the Company), for its answer to the complaint of the Sanctuary Community Association (the Sanctuary or Complainant) states:

**FIRST DEFENSE**

1. Aqua admits that the Sanctuary is an Aqua customer with several accounts pertaining to service received at various locations in or around Kirtland, Ohio.
2. Aqua denies that the complaint has accurately alleged the annual billing for water usage in 2008, 2009, 2010, 2011, 2012, and 2013.
3. Aqua is without sufficient knowledge to admit or deny the truth of the allegations that “we also view with great suspicion the Robin Lane bill for \$333.52 that Aqua Ohio suddenly sent us on October 2, [2013],” that “there is absolutely no common sense explanation for [any increase in usage]” and that the October 2, 2013 bill for service received at Robin Lane is “excessive.”
4. Aqua denies that it “has done nothing to inspect the meter or the water lines.”
5. Aqua is without sufficient knowledge to admit or deny the truth of the allegations that Complainant has “been grossly overcharged for water usage on Red Tail Lane, dating back

to 2009.” Aqua avers based on information and belief that certain of Complainant’s bills may not have been accurate. Aqua avers that its investigation of Complainant’s account is ongoing and that it intends, upon completion of this investigation, to apply appropriate refunds or credits to Complainant’s accounts to the extent necessary.

6. Aqua denies generally any allegations not specifically admitted or denied in this Answer.

### **AFFIRMATIVE DEFENSES**

#### **SECOND DEFENSE**

7. The complaint does not comply with the Commission’s rules requiring “a statement which clearly explains the facts.” Ohio Adm. Code 4901-9-01(B). The allegations are not in numbered-paragraph, but narrative, form; many of the allegations and statements in the complaint are compound; and many of the allegations omit numerous details necessary to answer them. The Company has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its answer in the event it has incorrectly understood the allegations.

#### **THIRD DEFENSE**

8. The complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26.

#### **FOURTH DEFENSE**

9. The complaint fails to state a claim upon which relief can be granted.

#### **FIFTH DEFENSE**

10. The Company at all times complied with Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and the

Company's tariffs. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

**SIXTH DEFENSE**

11. The Company reserves the right to raise other defenses as warranted by discovery in this matter.

Accordingly, the Company respectfully requests an Order dismissing the complaint and granting it all other necessary and proper relief.

Dated: February 10, 2014

Respectfully submitted,

/s/ Andrew J. Campbell  
Mark A. Whitt (Counsel of Record)  
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ATTORNEYS FOR AQUA OHIO, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer was served to the following person

by U.S. mail on this 10th day of February 2014:

Gregory J. Viviani  
The Sanctuary Community Assn., Inc.  
c/o Continent Management Co.  
2013 W. 25<sup>th</sup> St., Ste. 301  
Cleveland, Ohio 44113

/s/ Gregory L. Williams  
One of the attorneys for Aqua Ohio, Inc.

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Summary: Answer to the Complaint electronically filed by Mr. Gregory L. Williams on behalf of Aqua Ohio, Inc.